

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

OCD Hobbs

FORM APPROVED  
OMB NO. 1004-0137  
Expires: January 31, 2018**SUNDRY NOTICES AND REPORTS ON WELLS**  
*Do not use this form for proposals to drill or to re-enter an abandoned well. Use form 3160-3 (APD) for such proposals.*5. Lease Serial No.  
NMNM02965A

6. If Indian, Allottee or Tribe Name

SUBMIT IN TRIPLICATE - Other instructions on page 2

7. Unit or CA/Agreement, Name and/or No.

## 1. Type of Well

☒ Oil Well ☐ Gas Well ☐ Other

## 8. Well Name and No.

SALADO DRAW 10 W0PA FED COM 3H

## 2. Name of Operator

MEWBOURNE OIL COMPANY

Contact: JACKIE LATHAN

E-Mail: jlathan@mewbourne.com

## 9. API Well No.

30-025-43577

## 3a. Address

PO BOX 5270  
HOBBS, NM 88241

## 3b. Phone No. (include area code)

Ph: 575-393-5905

## 10. Field and Pool or Exploratory Area

98097

## 4. Location of Well (Footage, Sec., T., R., M., or Survey Description)

Sec 15 T26S R33E Mer NMP NENW 250FNL 580FEL

## 11. County or Parish, State

LEA COUNTY, NM

## 12. CHECK THE APPROPRIATE BOX(ES) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA

TYPE OF SUBMISSION	TYPE OF ACTION			
<input checked="" type="checkbox"/> Notice of Intent	<input type="checkbox"/> Acidize	<input type="checkbox"/> Deepen	<input type="checkbox"/> Production (Start/Resume)	<input type="checkbox"/> Water Shut-Off
<input type="checkbox"/> Subsequent Report	<input type="checkbox"/> Alter Casing	<input type="checkbox"/> Hydraulic Fracturing	<input type="checkbox"/> Reclamation	<input type="checkbox"/> Well Integrity
<input type="checkbox"/> Final Abandonment Notice	<input type="checkbox"/> Casing Repair	<input type="checkbox"/> New Construction	<input type="checkbox"/> Recomplete	<input checked="" type="checkbox"/> Other
	<input type="checkbox"/> Change Plans	<input type="checkbox"/> Plug and Abandon	<input type="checkbox"/> Temporarily Abandon	
	<input type="checkbox"/> Convert to Injection	<input type="checkbox"/> Plug Back	<input type="checkbox"/> Water Disposal	

13. Describe Proposed or Completed Operation: Clearly state all pertinent details, including estimated starting date of any proposed work and approximate duration thereof. If the proposal is to deepen directionally or recompleat horizontally, give subsurface locations and measured and true vertical depths of all pertinent markers and zones. Attach the Bond under which the work will be performed or provide the Bond No. on file with BLM/BIA. Required subsequent reports must be filed within 30 days following completion of the involved operations. If the operation results in a multiple completion or recompleat in a new interval, a Form 3160-4 must be filed once testing has been completed. Final Abandonment Notices must be filed only after all requirements, including reclamation, have been completed and the operator has determined that the site is ready for final inspection.

Mewbourne Oil Company has an approved APD for the above well. Mewbourne would like to make the following changes:

1 - Change production facility to be placed on Salado Draw 10 A3PA Fed #2H @ 185' FSL & 330' FEL, Sec 10 T26S R33E. A 2 7/8" steel flow line will be laid following the lease road. This will also change the interim reclamation of the subject well. Please see attached diagrams.

2 - MOC would like to install a buried 12" SWD line & buried 4" SWD line. See attached plats for details.

Please call Bradley Bishop with any questions.

pcu 10/16/17

## 14. I hereby certify that the foregoing is true and correct.

Electronic Submission #379524 verified by the BLM Well Information System  
For MEWBOURNE OIL COMPANY, sent to the Hobbs  
Committed to AFMSS for processing by DEBORAH MCKINNEY on 06/30/2017 ()

Name (Printed/Typed) BRADLEY BISHOP

Title REGULATORY

Signature (Electronic Submission)

Date 06/22/2017

## THIS SPACE FOR FEDERAL OR STATE OFFICE USE

Approved By

Title

FIELD MANAGER

Date

Conditions of approval, if any, are attached. Approval of this notice does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon.

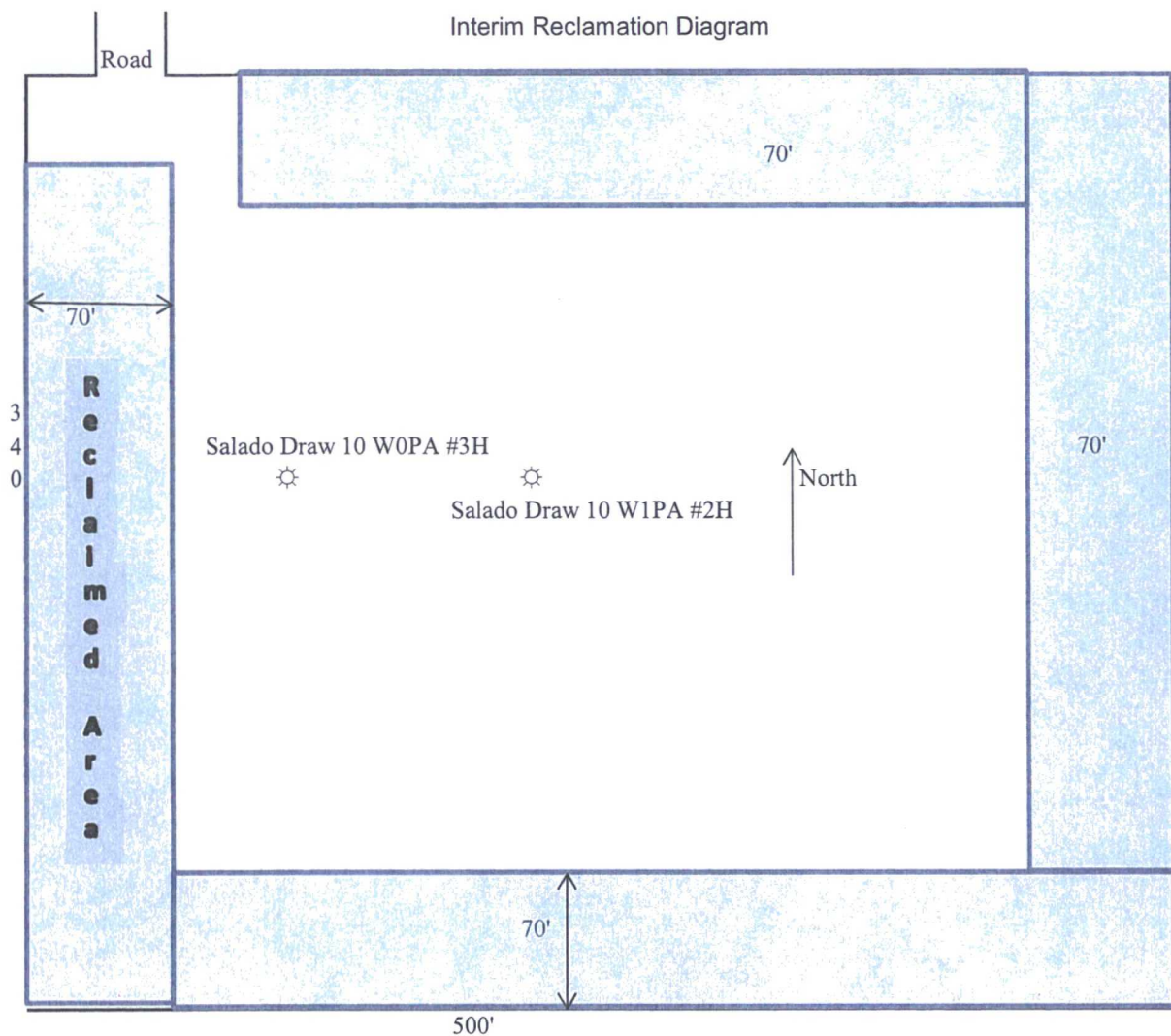
Office

CARLSBAD FIELD OFFICE

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

(Instructions on page 2)

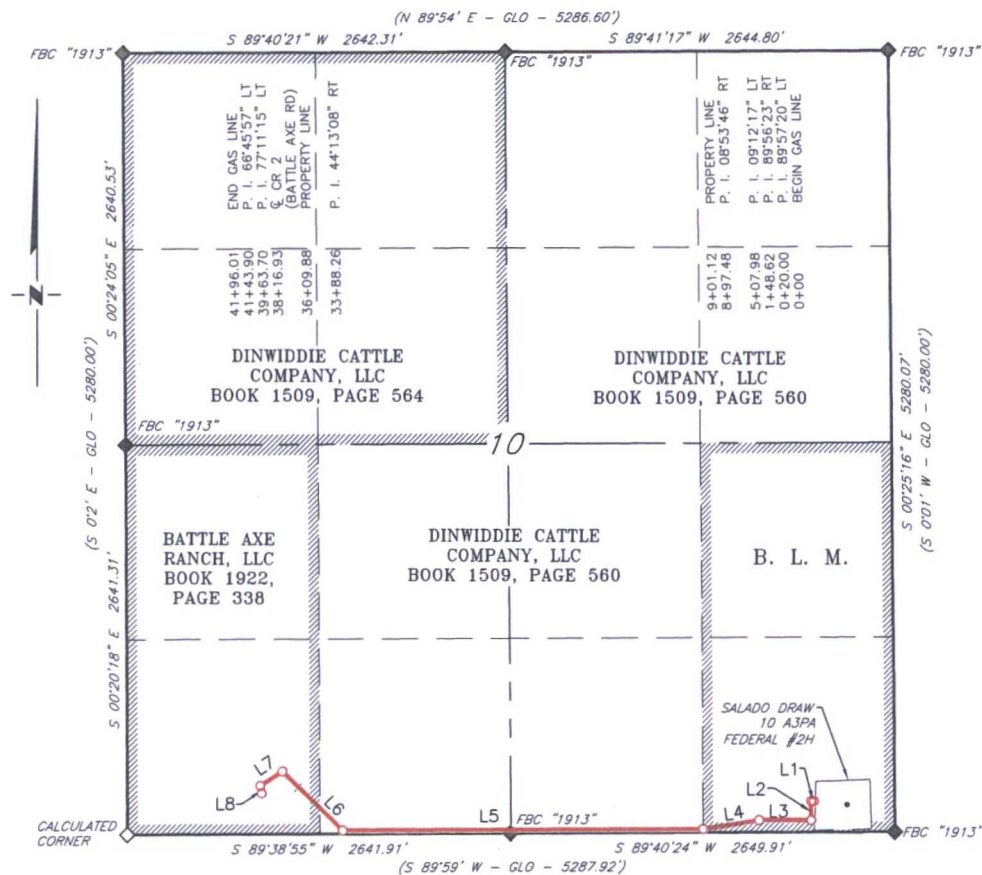
\*\* OPERATOR-SUBMITTED \*\* OPERATOR-SUBMITTED \*\* OPERATOR-SUBMITTED \*\*



Mewbourne Oil Company  
Salado Draw 10 W0PA Fed Com #3H  
250' FNL & 580' FEL  
Sec 15 T26S R33E  
Lea County, NM



**MEWBORNE OIL COMPANY  
PROPOSED SALADO DRAW GAS LINE  
SECTION 10, T26S, R33E  
N. M. P. M., LEA COUNTY, NEW MEXICO**



**LINE TABLE**

LINE	BEARING	LENGTH
L1	S 90°00'00\" W	20.00'
L2	S 00°02'40\" W	128.62'
L3	S 89°59'03\" W	359.36'
L4	S 80°46'46\" W	389.50'
L5	S 89°40'32\" W	2,490.78'
L6	N 00°19'20\" W	575.44'
L7	S 56°42'25\" W	180.20'
L8	S 10°03'32\" E	52.11'

SCALE: 1" = 1000'  
0 500' 1000'

BEARINGS ARE GRID NAD 83  
NM EAST  
DISTANCES ARE HORIZ. GROUND.

**LEGEND**

- ( ) RECORD DATA - GLO
- ◆ FOUND MONUMENT AS NOTED
- ◇ CALCULATED CORNER
- PROPOSED GAS LINE

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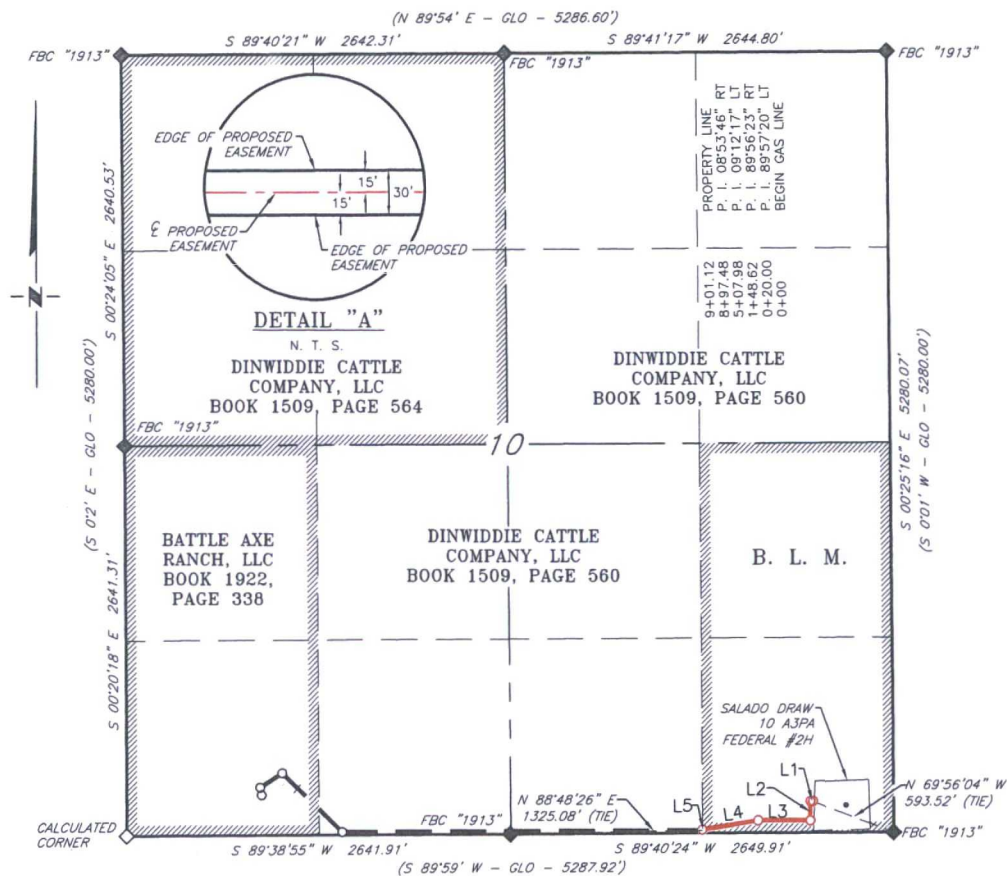
NO.	REVISION	DATE
JOB NO.:	LS1706342	
DWG. NO.:	1-1706342	

**RRC**

308 W. BROADWAY ST., HOBBS, NM 88240 (575) 964-8200

SCALE: 1" = 1000'
DATE: 6-8-17
SURVEYED BY: ML/JL
DRAWN BY: KAKN
APPROVED BY: RMH
SHEET: 1 OF 6

**MEWBOURNE OIL COMPANY  
PROPOSED SALADO DRAW GAS LINE  
SECTION 10, T26S, R33E  
N. M. P. M., LEA COUNTY, NEW MEXICO**



LINE TABLE		
LINE	BEARING	LENGTH
L1	S 90°00'00" W	20.00'
L2	S 00°02'40" W	128.62'
L3	S 89°59'03" W	359.36'
L4	S 80°46'46" W	389.50'
L5	S 89°40'32" W	3.64'

I, R. M. Howett, a N. M. Professional Surveyor, hereby certify that I prepared this plat from an actual survey made on the ground under my direct supervision, said survey and plat meet the Min. Stds. for Land Surveying the State of N. M. and are true and correct to the best of my knowledge and belief.

*Robert M. Howett*  
Robert M. Howett NM PS 19680



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NO.	REVISION	DATE
JOB NO.:	LS1706342	
DWG. NO.:	2-1706342	

**RRC**

308 W. BROADWAY ST., HOBBS, NM 88240 (575) 964-8200

SCALE: 1" = 1000'
DATE: 6-8-17
SURVEYED BY: ML/JL
DRAWN BY: KAKN
APPROVED BY: RMH
SHEET: 2 OF 6

**MEWBOURNE OIL COMPANY  
PROPOSED SALADO DRAW GAS LINE  
SECTION 10, T26S, R33E  
N. M. P. M., LEA COUNTY, NEW MEXICO**

DESCRIPTION

A strip of land 30 feet wide, being 901.12 feet or 54.613 rods in length, lying in Section 10, Township 26 South, Range 33 East, N. M. P. M., Lea County, New Mexico, being 15 feet left and 15 feet right of the following described survey of a centerline across B.L.M. land:

BEGINNING at Engr. Sta. 0+00, a point in the Southeast quarter of Section 10, which bears, N 69°56'04" W, 593.52 feet from a brass cap, stamped "1913", found for the Southeast corner of Section 10;

Thence S 90°00'00" W, 20.00 feet, to Engr. Sta. 0+20.00, a P.I. of 89°57'20" left;

Thence S 00°02'40" W, 128.62 feet, to Engr. Sta. 1+48.62, a P.I. of 89°56'23" right;

Thence S 89°59'03" W, 359.36 feet, to Engr. Sta. 5+07.98, a P.I. of 09°12'17" left;



Thence S 80°46'46" W, 389.50 feet, to Engr. Sta. 8+97.48, a P.I. of 08°53'46" right;

Thence S 89°40'32" W, 3.64 feet, to Engr. Sta. 9+01.12, a point on the West line of the SE 1/4, SE 1/4, of Section 10, which bears, N 88°48'26" E, 1,325.08 feet from a brass cap, stamped "1913", found for the South quarter corner of Section 10.

Said strip of land contains 0.621 acres, more or less, and is allocated by forties as follows:

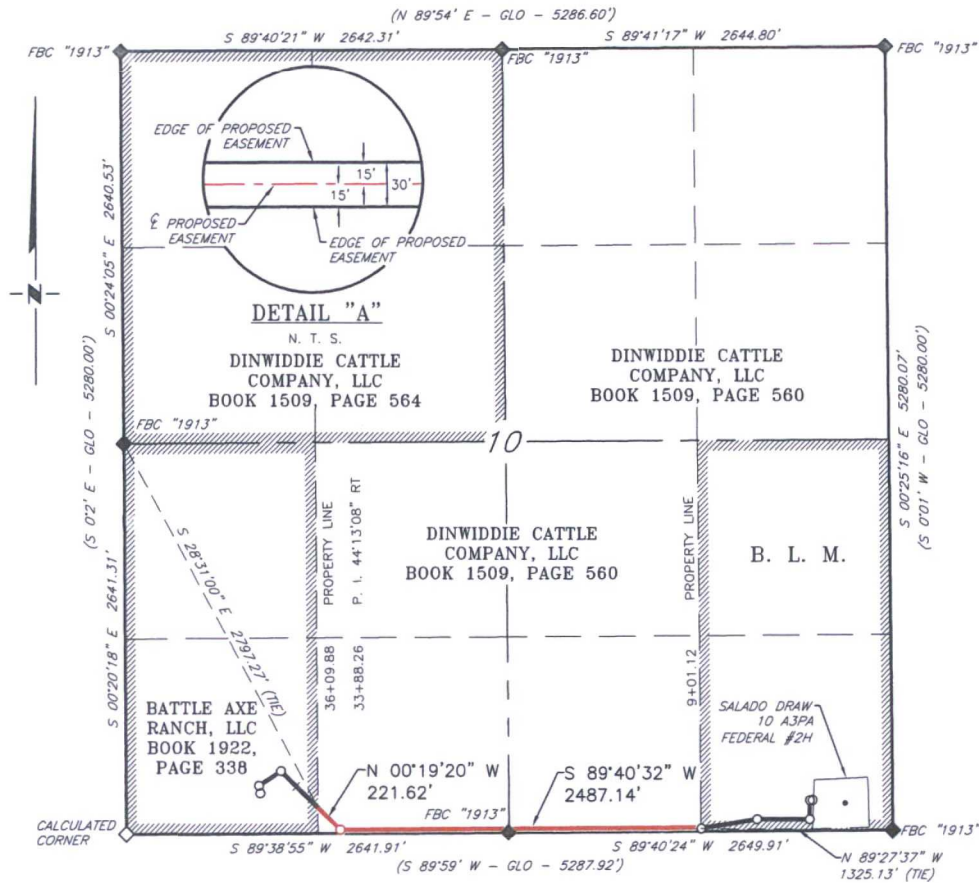
SE 1/4 SE 1/4                      54.613 Rods                      0.621 Acres

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				SCALE: 1" = 1000'
				DATE: 6-8-17
				SURVEYED BY: ML/JL
				DRAWN BY: KAKN
NO.	REVISION	DATE		APPROVED BY: RMH
JOB NO.: LS1706342				SHEET: 3 OF 6
DWG. NO.: 2-1706342				
308 W. BROADWAY ST., HOBBS, NM 88240 (575) 964-8200				



**MEWBOURNE OIL COMPANY  
PROPOSED SALADO DRAW GAS LINE  
SECTION 10, T26S, R33E  
N. M. P. M., LEA COUNTY, NEW MEXICO**



**DESCRIPTION**

A strip of land 30 feet wide, being 2,708.76 feet or 164.167 rods in length, lying in Section 10, Township 26 South, Range 33 East, N. M. P. M., Lea County, New Mexico, being 15 feet left and 15 feet right of the following described survey of a centerline across the lands of Dinwiddie Cattle Company, LLC., according to a deed filed for record in Book 1509, Page 560, of the deed records of Lea County, New Mexico:

BEGINNING at Engr. Sta. 9+01.12, a point on the East line of the SW 1/4, SE 1/4 of Section 10, which bears, N 89°27'37" W, 1,325.13 feet from a brass cap, stamped "1913", found for the Southeast corner of Section 10;

Thence S 89°40'32" W, 2,487.14 feet, to Engr. Sta. 33+88.26, a P.I. of 44°13'08" right;

Thence N 00°19'20" W, 221.62 feet, to Engr. Sta. 36+09.88, a point on the West line of the SE 1/4, SW 1/4 Section 10, which bears, S 28°31'00" E, 2,797.27 feet from a brass cap, stamped "1913", found for the West quarter corner of Section 10.

Said strip of land contains 1.865 acres, more or less, and is allocated by forties as follows:

SCALE: 1" = 1000'	SW 1/4 SE 1/4	80.300 Rods	0.921 Acres
0 500' 1000'	SE 1/4 SW 1/4	83.867 Rods	0.953 Acres

BEARINGS ARE GRID NAD 83  
NM EAST  
DISTANCES ARE HORIZ. GROUND.

**LEGEND**

- ( ) RECORD DATA - GLO
- ◆ FOUND MONUMENT AS NOTED
- ◇ CALCULATED CORNER

I, R. M. Howett, a N. M. Professional Surveyor, hereby certify that I prepared this plat from an actual survey made on the ground under my direct supervision, said survey and plat meet the Min. Stds. for Land Surveying the State of N. M. and are true and correct to the best of my knowledge and belief.

*Robert M. Howett*  
Robert M. Howett NM PS 19680



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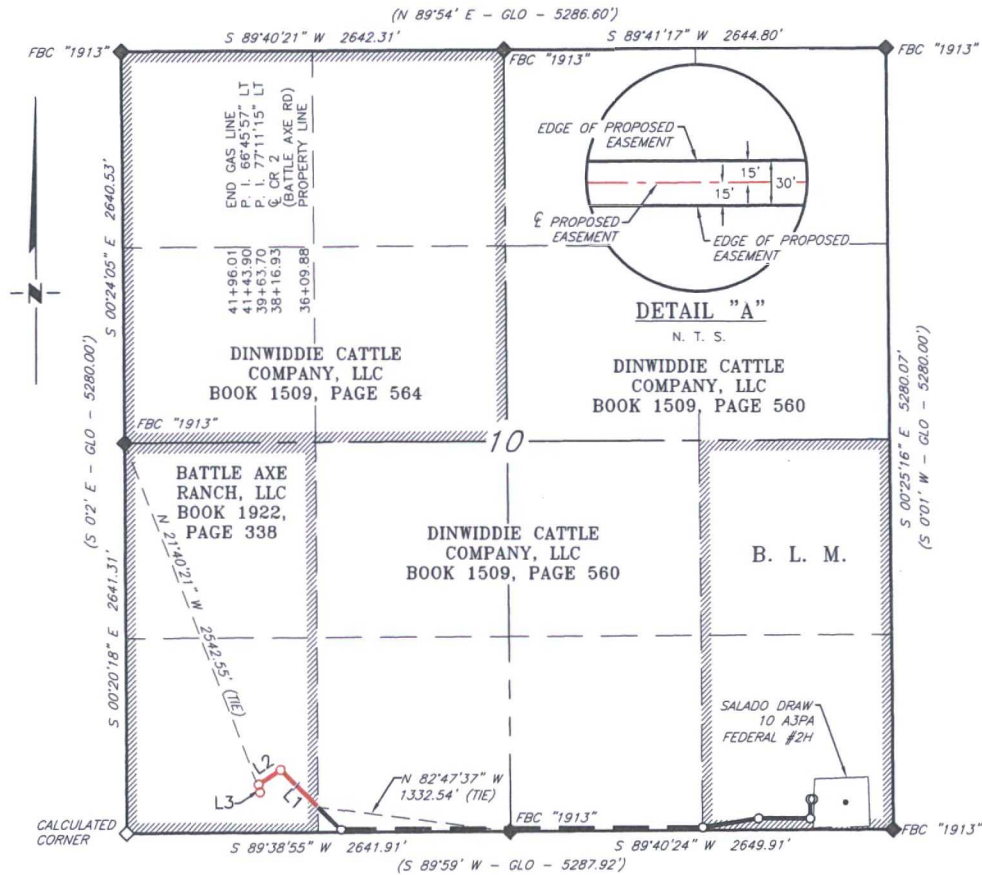
NO.	REVISION	DATE
JOB NO.:	LS1706342	
DWG. NO.:	4-1706342	

**RRC**

308 W. BROADWAY ST., HOBBS, NM 88240 (575) 964-8200

SCALE: 1" = 1000'
DATE: 6-8-17
SURVEYED BY: ML/JL
DRAWN BY: KAKN
APPROVED BY: RMH
SHEET: 4 OF 6

**MEWBOURNE OIL COMPANY  
PROPOSED SALADO DRAW GAS LINE  
SECTION 10, T26S, R33E  
N. M. P. M., LEA COUNTY, NEW MEXICO**



LINE TABLE		
LINE	BEARING	LENGTH
L1	N 00°19'20" W	353.82'
L2	S 56°42'25" W	180.20'
L3	S 10°03'32" E	52.11'

SCALE: 1" = 1000'  
0 500' 1000'

BEARINGS ARE GRID NAD 83  
NM EAST  
DISTANCES ARE HORIZ. GROUND.

**LEGEND**

( ) RECORD DATA - GLO

◆ FOUND MONUMENT  
AS NOTED

◇ CALCULATED  
CORNER

— PROPOSED GAS LINE

I, R. M. Howett, a N. M. Professional Surveyor, hereby certify that I prepared this plat from an actual survey made on the ground under my direct supervision, said survey and plot meet the Min. Stds. for Land Surveying the State of N. M. and are true and correct to the best of my knowledge and belief.

*Robert M. Howett*  
Robert M. Howett NM PS 19680



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<b>RRC</b> 308 W. BROADWAY ST., HOBBS, NM 88240 (575) 964-8200			SCALE: 1" = 1000'
			DATE: 6-8-17
			SURVEYED BY: ML/JL
			DRAWN BY: KAKN
NO. REVISION DATE	APPROVED BY: RMH		
JOB NO.: LS1706342	SHEET: 5 OF 6		
DWG. NO.: 5-1706342			

**MEWBOURNE OIL COMPANY  
PROPOSED SALADO DRAW GAS LINE  
SECTION 10, T26S, R33E  
N. M. P. M., LEA COUNTY, NEW MEXICO**

DESCRIPTION

A strip of land 30 feet wide, being **586.13 feet** or 35.523 rods in length, lying in Section 10, Township 26 South, Range 33 East, N. M. P. M., **Lea County**, New Mexico, being 15 feet left and 15 feet right of the following described survey of a centerline across the lands of Battle Axe Ranch, LLC., according to a deed filed for record in Book 1922, Page 338, of the deed records of Lea County, New Mexico:

BEGINNING at Engr. Sta. 36+09.88, a point on the East line of the SW 1/4, SW 1/4 of Section 10, which bears, N 82°47'37" W, 1,332.54 feet from a brass cap, stamped "1913", found for the South quarter corner of Section 10;

Thence N 00°19'20" W, 353.82 feet, to Engr. Sta. 39+63.70, a P.I. of 77°11'15" left;

Thence S 56°42'25" W, 180.20 feet, to Engr. Sta. 41+43.90, a P.I. of 66°45'57" left;

Thence S 10°03'32" E, 52.11 feet, to Engr. Sta. 41+96.01, the End of Survey, a point in the Southwest quarter of Section 10, which bears, S 21°40'21" E, 2,542.55 feet from a brass cap, stamped "1913", found for the West quarter corner of Section 10.

Said strip of land contains 0.404 acres, more or less, and is allocated by forties as follows:

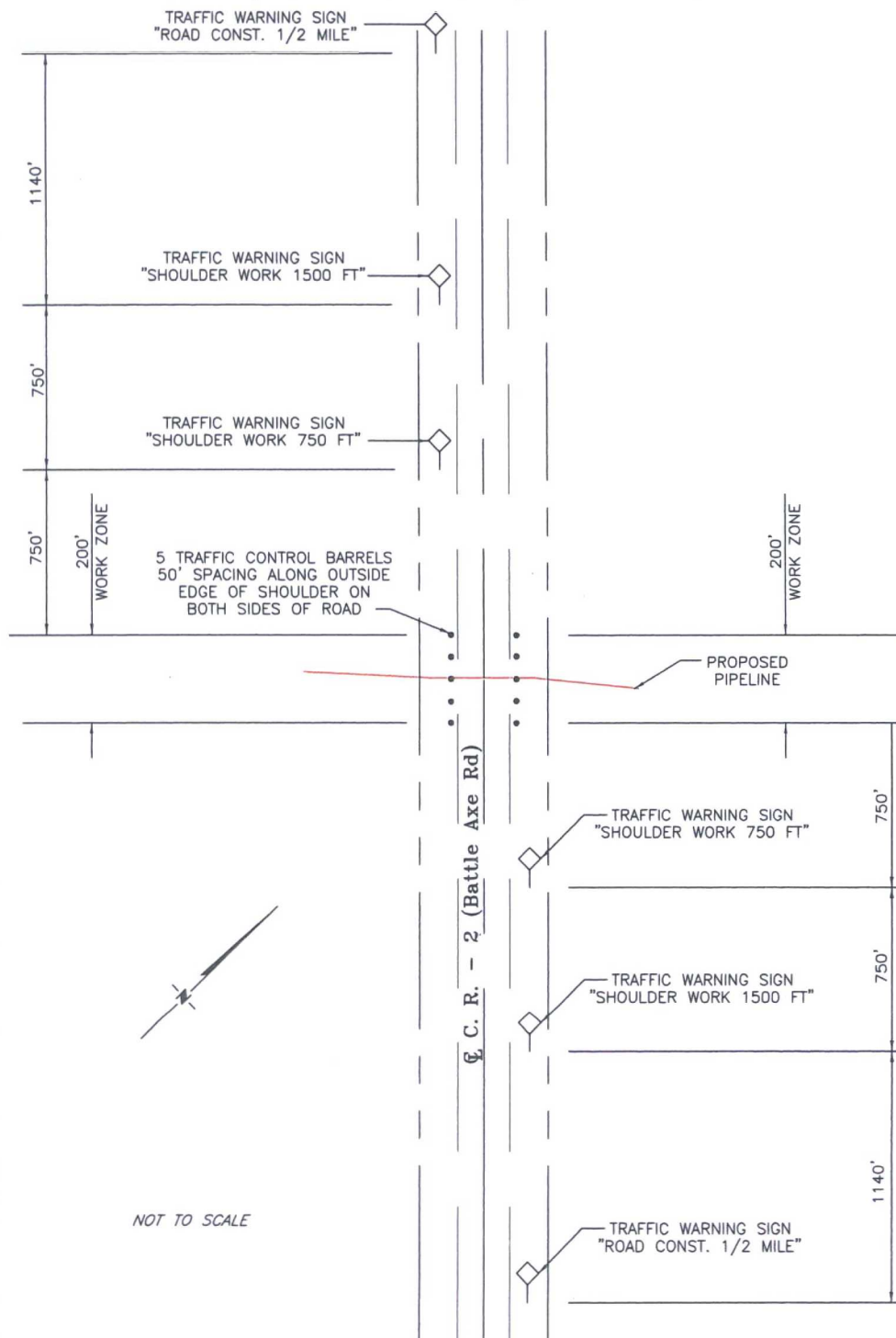
SW 1/4 SW 1/4                      35.523 Rods                      0.404 Acres

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			 <b>RRC</b>	<small>SCALE: 1" = 1000'</small>
				<small>DATE: 6-8-17</small>
				<small>SURVEYED BY: ML/JL</small>
				<small>DRAWN BY: KAKN</small>
				<small>APPROVED BY: RMH</small>
<small>NO.</small>	<small>REVISION</small>	<small>DATE</small>		<small>SHEET: 6 OF 6</small>
<small>JOB NO.: LS1706342</small>				
<small>DWG. NO.: 6-1706342</small>			<small>308 W. BROADWAY ST., HOBBS, NM 88240 (575) 964-8200</small>	



**MEWBOURNE OIL COMPANY**  
**Proposed Salado Draw 10" Gas Line**  
**Crossing C. R. - 2 (Battle Axe Rd)**  
**Section 10, Township 26 South, Range 33 East,**  
**N.M.P.M., Lea County, New Mexico**



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NO.	REVISION	DATE
JOB NO.:	LS1706342	
DWG. NO.:	8-1706342	

**RRC**

308 W. BROADWAY ST., HOBBS, NM 88240 (575) 964-8200

SCALE:	N. T. S.
DATE:	6-16-2017
SURVEYED BY:	ML/JL
DRAWN BY:	KAKN
APPROVED BY:	RMH
SHEET:	2 OF 2



## **Exhibit A**

**Mewbourne Oil Company  
Lease No. NMNM 02965A  
Salado Draw 10 W1PA FED COM 2H  
Salado Draw 10 WOPA FED COM 3H  
Salado Draw 10 A3PA Federal 2H  
Production Facility, Surface Flow Line, and  
Buried Pipeline**

**October 12, 2017**

### **STANDARD STIPULATIONS FOR SURFACE INSTALLED PIPELINES**

**A copy of the Grant and attachments, including stipulations, survey plat(s) and/or map(s), shall be on location during construction. BLM personnel may request to review a copy of your permit during construction to ensure compliance with all stipulations.**

Holder agrees to comply with the following stipulations to the satisfaction of the Authorized Officer:

1. Holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant.
2. Holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, Holder shall comply with the Toxic Substances Control Act of 1976 as amended, 15 USC § 2601 *et seq.* (1982) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant (*see* 40 CFR, Part 702-799 and in particular, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
3. Holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9601, *et seq.* or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) on the Right-of-Way (unless the release or threatened release is wholly unrelated to activity of the Right-of-Way Holder's activity on the Right-of-Way), or resulting from the activity of the Right-of-Way Holder on the Right-of-Way. This provision applies without regard to whether a release is caused by Holder, its agent, or unrelated third parties.
4. Holder shall be liable for damage or injury to the United States to the extent provided by 43 CFR Sec. 2883.1-4. Holder shall be held to a standard of strict liability for damage or injury to the United States resulting from pipe rupture, fire, or spills caused or substantially aggravated by any of the following within the right-of-way or permit area:



- a. Activities of Holder including, but not limited to: construction, operation, maintenance, and termination of the facility;
- b. Activities of other parties including, but not limited to:
  - (1) Land clearing
  - (2) Earth-disturbing and earth-moving work
  - (3) Blasting
  - (4) Vandalism and sabotage;

c. Acts of God.

The maximum limitation for such strict liability damages shall not exceed one million dollars (\$1,000,000) for any one event, and any liability in excess of such amount shall be determined by the ordinary rules of negligence of the jurisdiction in which the damage or injury occurred.

This section shall not impose strict liability for damage or injury resulting primarily from an act of war or from the negligent acts or omissions of the United States.

5. If, during any phase of the construction, operation, maintenance, or termination of the pipeline, any oil, salt water, or other pollutant should be discharged from the pipeline system, impacting Federal lands, the control and total removal, disposal, and cleaning up of such oil, salt water, or other pollutant, wherever found, shall be the responsibility of Holder, regardless of fault. Upon failure of Holder to control, dispose of, or clean up such discharge on or affecting Federal lands, or to repair all damages resulting therefrom, on the Federal lands, the Authorized Officer may take such measures as he/she deems necessary to control and clean up the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of Holder. Such action by the Authorized Officer shall not relieve Holder of any responsibility as provided herein.

6. All construction and maintenance activity shall be confined to the authorized right-of-way width of 20 feet. If the pipeline route follows an existing road or buried pipeline right-of-way, the surface pipeline shall be installed no farther than 10 feet from the edge of the road or buried pipeline right-of-way. If existing surface pipelines prevent this distance, the proposed surface pipeline shall be installed immediately adjacent to the outer surface pipeline. All construction and maintenance activity shall be confined to existing roads or right-of-ways.

7. No blading or clearing of any vegetation shall be allowed unless approved in writing by the Authorized Officer.

8. Holder shall install the pipeline on the surface in such a manner that will minimize suspension of the pipeline across low areas in the terrain. In hummocky or dune areas, the pipeline shall be "snaked" around hummocks and dunes rather than suspended across these features.

9. The pipeline shall be buried with a minimum of 24 inches under all roads, "two-tracks," and trails. Burial of the pipe will continue for 20 feet on each side of each crossing. The condition of the road, upon completion of construction, shall be returned to at least its former state with no bumps or dips remaining in the road surface.

10. The holder shall minimize disturbance to existing fences and other improvements on public lands. The holder is required to promptly repair improvements to at least their former state. Functional use of these improvements will be maintained at all times. The holder will contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence shall be braced on both sides of the passageway prior to cutting of the fence. No permanent gates will be allowed unless approved by the Authorized Officer.

11. In those areas where erosion control structures are required to stabilize soil conditions, the holder will install such structures as are suitable for the specific soil conditions being encountered and which are in accordance with sound resource management practices.

12. Excluding the pipe, all above-ground structures not subject to safety requirement shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be a color which simulates "Standard Environmental Colors" – **Shale Green**, Munsell Soil Color No. 5Y 4/2; designated by the Rocky Mountain Five State Interagency Committee.

13. The pipeline will be identified by signs at the point of origin and completion of the right-of-way and at all road crossings. At a minimum, signs will state the holder's name, BLM serial number, and the product being transported. Signs will be maintained in a legible condition for the life of the pipeline.

14. The holder shall not use the pipeline route as a road for purposes other than routine maintenance as determined necessary by the Authorized Officer in consultation with the holder. The holder will take whatever steps are necessary to ensure that the pipeline route is not used as a roadway.

15. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

16. The operator shall be held responsible if noxious weeds become established within the areas of operations. Weed control shall be required on the disturbed land where noxious weeds exist, which includes the roads, powerline corridor, and adjacent land affected by the establishment of weeds due to this action. The operator shall consult with the Authorized Officer for acceptable weed control methods, which include following EPA and BLM requirements and policies.

17. Surface pipelines shall be less than or equal to 4 inches and a working pressure below 125 psi.

18. Special Stipulations:

- a. The BLM, Carlsbad Field Office, will be informed immediately if any subsurface drainage channels, cave passages, or voids are penetrated during construction and no further construction will be done at that point until clearance has been issued by the Authorized Officer. Special restoration stipulations or a realignment may be required at such intersections, if any. The project will be routed around sinkholes and other karst features when practical. Turnout ditches and drainage leadoffs will not be constructed in such a manner as to increase or decrease the natural flow of water into or out of cave or karst features.

#### STANDARD STIPULATIONS FOR BURIED INSTALLED PIPELINES

A copy of the application (Grant, APD, or Sundry Notice) and attachments, including conditions of approval, survey plat and/or map, will be on location during construction. BLM personnel may request to you a copy of your permit during construction to ensure compliance with all stipulations.

Holder agrees to comply with the following stipulations to the satisfaction of the Authorized Officer:

1. The Holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant.



2. The Holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976 as amended, 15 USC 2601 et seq. (1982) with regards to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

3. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.) on the Right-of-Way (unless the release or threatened release is wholly unrelated to the Right-of-Way holder's activity on the Right-of-Way), or resulting from the activity of the Right-of-Way holder on the Right-of-Way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

4. If, during any phase of the construction, operation, maintenance, or termination of the pipeline, any oil or other pollutant should be discharged from the pipeline system, impacting Federal lands, the control and total removal, disposal, and cleaning up of such oil or other pollutant, wherever found, shall be the responsibility of holder, regardless of fault. Upon failure of holder to control, dispose of, or clean up such discharge on or affecting Federal lands, or to repair all damages resulting therefrom, on the Federal lands, the Authorized Officer may take such measures as he deems necessary to control and clean up the discharge and restore the area, including where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the Authorized Officer shall not relieve holder of any responsibility as provided herein.

5. All construction and maintenance activity will be confined to the authorized right-of-way.

6. The pipeline will be buried with a minimum cover of 36 inches between the top of the pipe and ground level.

7. The maximum allowable disturbance for construction in this right-of-way will be 30 feet:

- Blading of vegetation within the right-of-way will be allowed: maximum width of blading operations will not exceed 20 feet. The trench is included in this area. (*Blading is defined as the complete removal of brush and ground vegetation.*)
- Clearing of brush species within the right-of-way will be allowed: maximum width of clearing operations will not exceed 30 feet. The trench and bladed area are included in this area. (*Clearing is defined as the removal of brush while leaving ground vegetation (grasses, weeds, etc.) intact. Clearing is best accomplished by holding the blade 4 to 6 inches above the ground surface.*)
- The remaining area of the right-of-way (if any) shall only be disturbed by compressing the vegetation. (*Compressing can be caused by vehicle tires, placement of equipment, etc.*)

8. The holder shall stockpile an adequate amount of topsoil where blading is allowed. The topsoil to be stripped is approximately 6 inches in depth. The topsoil will be segregated from other spoil piles from trench construction. The topsoil will be evenly distributed over the bladed area for the preparation of seeding.



9. The holder shall minimize disturbance to existing fences and other improvements on public lands. The holder is required to promptly repair improvements to at least their former state. Functional use of these improvements will be maintained at all times. The holder will contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence shall be braced on both sides of the passageway prior to cutting of the fence. No permanent gates will be allowed unless approved by the Authorized Officer.

10. Vegetation, soil, and rocks left as a result of construction or maintenance activity will be randomly scattered on this right-of-way and will not be left in rows, piles, or berms, unless otherwise approved by the Authorized Officer. The entire right-of-way shall be recontoured to match the surrounding landscape. The backfilled soil shall be compacted and a 6 inch berm will be left over the ditch line to allow for settling back to grade.

11. In those areas where erosion control structures are required to stabilize soil conditions, the holder will install such structures as are suitable for the specific soil conditions being encountered and which are in accordance with sound resource management practices.

12. The holder will reseed all disturbed areas. Seeding will be done according to the attached seeding requirements, using the following seed mix.

- |  |  |
|--|--|
| <input type="checkbox"/> seed mixture 1            | <input type="checkbox"/> seed mixture 3          |
| <input checked="" type="checkbox"/> seed mixture 2 | <input type="checkbox"/> seed mixture 4          |
| <input type="checkbox"/> seed mixture 2/LPC        | <input type="checkbox"/> Aplomado Falcon Mixture |

13. All above-ground structures not subject to safety requirements shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be color which simulates "Standard Environmental Colors" – **Shale Green**, Munsell Soil Color No. 5Y 4/2.

14. The pipeline will be identified by signs at the point of origin and completion of the right-of-way and at all road crossings. At a minimum, signs will state the holder's name, BLM serial number, and the product being transported. All signs and information thereon will be posted in a permanent, conspicuous manner, and will be maintained in a legible condition for the life of the pipeline.

15. The holder shall not use the pipeline route as a road for purposes other than routine maintenance as determined necessary by the Authorized Officer in consultation with the holder before maintenance begins. The holder will take whatever steps are necessary to ensure that the pipeline route is not used as a roadway. As determined necessary during the life of the pipeline, the Authorized Officer may ask the holder to construct temporary deterrence structures.

16. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the Authorized Officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the holder.

17. The operator shall be held responsible if noxious weeds become established within the areas of operations. Weed control shall be required on the disturbed land where noxious weeds exist, which includes associated roads, pipeline corridor and adjacent land affected by the establishment of weeds due to this action. The operator shall consult with the Authorized Officer for acceptable weed control methods, which include following EPA and BLM requirements and policies.

18. Escape Ramps - The operator will construct and maintain pipeline/utility trenches [that are not otherwise fenced, screened, or netted] to prevent livestock, wildlife, and humans from becoming entrapped. At a minimum, the operator will construct and maintain escape ramps, ladders, or other methods of avian and terrestrial wildlife escape in the trenches according to the following criteria:

- a. Any trench left open for eight (8) hours or less is not required to have escape ramps; however, before the trench is backfilled, the contractor/operator shall inspect the trench for wildlife, remove all trapped wildlife, and release them at least 100 yards from the trench.
- b. For trenches left open for eight (8) hours or more, earthen escape ramps (built at no more than a 30 degree slope and spaced no more than 500 feet apart) shall be placed in the trench.